

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

FRIDAY, THE 16TH MARCH 2007 / 25TH PHALGUNA 1928

WP(C).No. 28271 of 2003(N)

PETITIONER:

**M.APPUTTY,
MATTUPURATH HOUSE, KARUVANTHURUTHY,
FEROKE, KOZHIKODE.**

BY ADV. SRI.P.RAVINDRAN

RESPONDENTS:

- 1. THE SECRETARY TO GOVERNMENT,
LABOUR & REHABILITATION (S) DEPARTMENT,
GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**
- 2. THE DISTRICT EXECUTIVE OFFICER,
KERALA MOTOR TRANSPORT WORKERS WELFARE FUND BOARD,
KOZHIKODE.**

**BY ADV. SRI.P.RAMAKRISHNAN, SC,KMTWF BOARD (R2)
GOVERNMENT PLEADER SMT. K.R.DEEPA**

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 16/03/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

WP(C) NO: 28271/2003

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE PROVISIONAL DETERMINATION ORDER DT. 12/1/2001.

EXT.P2. COPY OF THE OBJECTION DT. 23/1/2001.

EXT.P3. COPY OF THE FINAL DETERMINATION ORDER DT. 31/10/01.

EXT.P4. COPY OF THE APPEAL AND STAY PETITION DT. 17/3/2002.

EXT.P5. COPY OF THE REMINDER SENT BY THE PETITIONER DT. 25/3/2002.

EXT.P6. COPY OF THE JUDGMENT IN OP NO. 8925/02 DT. 3/4/2002.

EXT.P7. COPY OF THE ORDER OF THE R1 DT. 6/8/2003.

True copy

tga

KURIAN JOSEPH, J.

W.P.(C) No.28271 of 2003

Dated 16th March, 2007.

J U D G M E N T

The only prayer is for a direction to consider Ext.P4 appeal on merits. Ext.P4 was dismissed on the only ground of delay. Though in law, the issue is covered against the petitioner since the Government has no power to condone the delay, nothing stands in the way of this Court in the interests of justice issuing a direction to the Government to consider the appeal on merits, in view of the contention that the petitioner was prevented from filing the appeal owing to the strike of the Government employees. In the above circumstances, Ext.P7 is quashed. There will be a direction to the first respondent to consider Ext.P4 appeal on merits with notice to the petitioner and pass appropriate orders thereon in accordance with law, within a period of four months from the date of receipt of a copy of the judgment. The interim order passed by this Court on 2.9.2003 will continue till such time.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

OP NO.

2

tgs

KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 16th March, 2007.